

## REMARKS

The office action mailed September 1, 2004 has been carefully reviewed and considered. In response to the outstanding office action, claims 1, 8, 15, 17 and 20 have been amended. Claims 1, 8, 15, 17 and 20 having been amended, the claims now pending in the present application are claims 1-22. Favorable consideration is respectfully requested.

In numbered paragraph 1 on page 2 of the outstanding office action, the Examiner notes that the abstract is longer than the length that is presently permitted. For that reason the abstract has been amended. In view of the amendments to the abstract, it is respectfully submitted that the abstract is now in an appropriate format and that no further amendment is required. Confirmation in this regard is respectfully requested.

In numbered paragraphs 2 and 3 on page 2 and 3 of the outstanding office action, claims 1, 6, 8, 13 and 20 are rejected under 35 U.S.C. § 102(b) as being anticipated by Percoco et al. (U.S. Patent No. 4,887,856).

In reviewing Percoco et al., it is respectfully submitted that the disclosure does not teach assembling the lock assembly prior to securing the assembly to the enclosure door. On page 3 of the office action, in the carry over paragraph, it is asserted in lines 4-6 in a parenthetical statement that "lock actuating assembly can be installed in to the assembly of Figure 2 and then the cover of Figure 3 attached to the preassembled lock and then can be attached to the enclosure door preassembled". In this regard, however, it is respectfully submitted that it is only with hindsight, after reviewing the applicant's disclosure, that one of skill in the art would find an inclination to attempt to preassemble the lock assembly for attachment to the enclosure door disclosed by Percoco et al.. Because there is no teaching to preassemble the lock assembly of Percoco et al., it is respectfully submitted that Percoco et al. does not anticipate the claims of the present invention and, therefore, this rejection is respectfully traversed.

Furthermore, it will be appreciated from a review of Percoco et al. that the knob 18, that has been asserted to be an equivalent of the lock actuating assembly, cannot be installed into the assembly of Figure 2, as asserted by the Examiner on page 3, prior to the attachment of the cover of Figure 3 because it does not appear that the knob 18 will pass through the opening 104 once it has been attached to the core block 50 of the lock assembly. Instead, it is believed that the lock actuating assembly or knob 18 can only be secured to the core block 50 after the plate 96 of Figure 3 is secured to the enclosure door 2 by screws 100 passing through openings 98 and secured within the core block 50 in the openings 99. It is respectfully submitted that to preassemble the lock assembly of Percoco et al. and then slide it into the notched portion 52 of the enclosure door 2, it will be necessary to leave the screws 100 only partially engaged within the threaded openings 99 and requiring further assembly to fully secure the plate 96 to the core block 50 to ensure that the lock assembly is not easily disengaged from the notch 52 once placed within the notch 52. Furthermore, if the opening is fully surrounded by edges of the opening, the lock assembly of Percoco et al. could not be inserted into the opening because it requires a notch of the type disclosed in Percoco et al.

In addition, it is respectfully noted that the claims have been further amended to clarify that the opening in the disclosure door is an opening fully surrounded by a series of interconnected edges, thereby distinguishing the notch 52 in the enclosure door 2 disclosed by Percoco et al..

It is respectfully submitted that Percoco et al. do not teach fully assembling a lock assembly and then inserting it into an opening. Even if it can be maintained that the opening of Percoco et al. is not distinguishable from the opening recited in the present claims, it is respectfully submitted that it is only with hindsight, following a review of the present application, that one of skill in the art would be led to consider fully assembling the lock assembly prior to securing it in the opening. Without a teaching to lead one of skill in the art to fully assemble the lock assembly, it is

respectfully submitted that one of skill in the art would not attempt to do it. In view of the foregoing, insofar as the Section 102(b) rejections may be maintained with respect to the present claims, reconsideration and withdraw is respectfully requested.

In numbered paragraphs 4 and 5 on pages 3 and 4 of the present office action, claims 2 and 9 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Percoco et al. as applied to claims 1 and 8, in view of Uyeda (U.S. Patent No. 5,113,675). In regard to the section 103(a) rejection, the applicant's respectfully reiterate the arguments made above asserting that Percoco et al. do not teach assembling a lock assembly fully prior to securing the lock assembly to the enclosure door and even if such a teaching can be presumed without reliance on hindsight following a review of the present application, it is respectfully submitted that the claims are distinguished from the disclosure of Percoco et al. in that the recited opening within which the fully assembled lock assembly is to be secured is distinguished from the notch 52 in the enclosure door 2 of Percoco et al.. In view of the foregoing it is respectfully submitted that the present claims are distinguished over the references presently cited in the Section 103 rejection. Insofar as the Section 103 rejection may be maintained with the respect to any of the present claims, reconsideration and withdrawal is respectfully requested.

In numbered paragraph 6 and 7 of page 4 of the outstanding office action, claims 1-22 of the present application are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-18 of U.S. Patent No. 6,722,170. The applicant has provided herewith a terminal disclaimer in compliance with 37 CFR 1.321(c) to overcome the asserted rejection.

The Examiner's efforts to bring the present application into petition for allowance are noted with appreciation by the undersigned attorney and the Examiner is urged to contact the undersigned attorney by telephone if the undersigned attorney can be helpful in resolving any issues the Examiner feels can be resolved in a telephone interview to bring the present application into condition for allowance. Thank you.

Respectfully submitted,

for the Applicant, Randy L. Squier  
by his attorneys,

MOORE HANSEN & SUMNER  
Customer No. 22,854  
225 South Sixth Street  
Suite 4850  
Minneapolis, Minnesota 55402-4101  
(612) 332-8200

Date: September 21, 2004

By: Robert C. Freed  
Robert C. Freed, Registration No. 32,569

P:\Client Files\Bob Freed\Squier, Randy\002-04-US Continuation\040916 Response under rule 111.doc